

**ZONING ADMINISTRATOR**  
**NOTICE OF DECISION**

**Date:** August 3, 2010  
**Applicant:** Elizabeth Walters/Step-It-Up Performing Studios  
**Case No.:** PCC-10-027  
**Address:** 1055 Tierra Del Rey, Suite B, Chula Vista, Ca.  
**A.P.N.:** 640-293-20-00  
**Project Planner:** Richard Zumwalt, A.I.C.P., Associate Planner

Notice is hereby given that on August 3, 2010, the Zoning Administrator considered Conditional Use Permit Application PCC-10-027 filed by Elizabeth Walters for Step-It-Up Performing Studios ("Applicant"), at 1055 Tierra Del Rey, Suite B, Chula Vista, Ca. ("Project Site"). The Project Site is zoned "Employment Park" Planned Community District Regulation by the Rancho Del Rey Sectional Planning Area (SPA), and has a General Plan designation of Limited Industrial (IL). The Property is owned by Solomon and Benjamin, LLC ("Property Owner"). The proposed Project is more specifically described below:

The Applicant requests approval of a Conditional Use Permit to operate a private dance/exercise studio offering dance and exercise classes, and private instruction for children and adults in an existing 2,984 square foot suite in a multi-tenant industrial/office building, with exclusive use of 9 parking spaces ("Project"). The site is located in the Rancho Del Rey Planned Community, and is designated as an Employment Park District by the Rancho Del Rey SPA Plan. Pursuant to Section IX-A.1.D.7 of the Rancho Del Rey Planned Community District Regulations, studios for dance education are permitted uses upon approval of a Conditional Use Permit. The suite is presently vacant, but formerly housed the Kwon Martial Arts Academy (PCC-01-70).

The Environmental Review Coordinator has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has determined that the project qualifies for a Class 1 Categorical Exemption pursuant to 15301 (Existing Facilities) of the State CEQA Guidelines. The proposed project consists of negligible or no expansion of an existing use. Thus, no further environmental review is necessary.

The Zoning Administrator, under the provisions of Section 19.14.030.A of the Chula Vista Municipal Code, has been able to make the Conditional Use Permit findings as required by CVMC Section 19.14.080:

***That the proposed use at this location is necessary or desirable and will contribute to the general well being of the neighborhood or the community.***

This finding is met because the approval of this project will enable the applicant to use the project site to provide valuable services to the community, including dance instruction that provides children and adults with dance education, exercise, and recreation, in a nurturing environment.

The proposed use at this location is necessary or desirable because the project site is located in a limited industrial/ office area that contains similar types of businesses, and there are no residential or other incompatible land uses nearby that could be adversely affect by project-related activities.

***That such use will not under the circumstances of the particular case be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.***

This finding is met because a condition of approval has been included in the Conditional Use Permit that requires that the applicant obtain approval of a Building Permit in compliance with applicable sections of the California Building and Fire codes. The project proposes 9 parking spaces, which complies with the minimum parking requirement of 7 parking spaces by the Rancho Del Rey Planned Community District Regulations. All other project-related activities will be conducted indoors and will not adversely affect adjacent businesses or properties.

***That the proposed use will comply with the regulations and conditions specified in the code for such use.***

This finding is met because the granting of this Conditional Use Permit is conditioned to require the Applicant and Property Owner to fulfill its conditions of approval and to comply with all applicable regulations and standards specified in the Municipal Code, and the California Building, Fire and other applicable codes, for such use. These conditions will be enforced through building plan review, inspections prior to occupancy of the use and subsequent operation of the business. Furthermore, the conditions of this permit are approximately in proportion to the nature and extent of the impact created by the project in that the conditions imposed are directly related to, and of a nature and scope related to the size and impact of the project. The project will comply with all regulations and conditions specified in the Zoning Code for uses established under PCC-10-027.

***That the granting of this Conditional Use Permit will not adversely affect the General Plan of the City or the adopted plan of any government agency.***

The General Plan designates the site as Limited Industrial. This finding is met because the operation of a private dance/exercise studio, as approved by a Conditional Use Permit pursuant to the Rancho Del Rey SPA Plan, is consistent with Limited Industrial (IL) permitted land uses. Thus, the proposed project is consistent with the Limited Industrial (IL) General Plan land use designation and will not adversely affect implementation of the General Plan.

BASED ON THE FINDINGS ABOVE, THE ZONING ADMINISTRATOR hereby approves Conditional Use Permit PCC-10-027 as described above subject to the following conditions:

The following conditions shall apply to the Project Site, and the Applicant or successor-in-interest shall satisfy these conditions prior to issuance of the first building permit for the project, or at the timeframe specified in the condition. Upon completion, the Applicant shall remain in compliance with the conditions as long as the Project relies upon this approval:

PLANNING DIVISION

1. The Project Site shall be developed and maintained in accordance with the PCC-10-027 approved plans, as amended herein, which include site plans and floor plans on file in the Planning Division, the conditions contained herein, and the Zoning Ordinance (Title 19).
2. The Property Owner or authorized representative shall execute this document by making a true copy of this Notice of Decision and signing both this original notice and the copy on the lines provided below, said execution indicating that the Property Owner and the Applicant have each read, understood and agreed to the conditions and land use operation modifications contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department. Failure to return the signed true copy of this document prior to submittal for building permits to the Development Services Department shall indicate the Property Owner's and Applicant's desire that the project, and the corresponding application for building permits and/or a business license, be held in abeyance without approval.

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
Date

3. The Applicant shall apply for and obtain a sign permit for any required site/business identification signs from the Development Services Department in accordance with the Chula Vista Municipal Code Chapter 19.60.
4. Prior to issuance of the building permit, submit a revised site plan for the Conditional Use Permit that includes a parking table showing the following:
  - a. Proposed parking = 9 parking spaces;
  - b. Required parking = 7 parking spaces (@ 0.5 spaced per employee plus 1.0 space per 3 students);

- c. A note stating that 9 parking spaces will be reserved for exclusive use by the applicant.

#### BUILDING DIVISION

5. The Applicant shall apply for required building permits. Permits shall comply with applicable codes and requirements, including but not limited to the 2007 California Building Code (CBC) and Ca. Handicapped Accessibility requirements, 2007 Fire Code, 2007 California Mechanical Code, 2007 California Plumbing Code, 2007 California Electrical Code, and 2008 California Energy Code, as adopted and amended by the State of California and City of Chula Vista. Permits must also comply with the City Green Building Ordinance (CVMC 15.12), and all other locally adopted City and State requirements.
6. This project must be designed by an Architect or Engineer licensed by the State of California (California Business and Professional Code 5536.1, 6735).
7. Submit building plans showing the following:
  - a. A Building Code Data Legend on the title (first) sheet of the building plans including code information for the proposed and allowable number of stories for each building or space proposed.
  - b. A one-story limitation for V-B with A-3 occupancy
  - c. Egress from second floor may require two exits, or if applicable, alternative egress approved by the City Building official.
  - d. Toilet fixtures should have a factor of 30, not 200.
  - e. Comply with energy requirements for the dance floor and the roll-up door.
8. Applicant shall be required to obtain a Certificate of Occupancy prior to occupancy of the suite.

#### FIRE DEPARTMENT

9. Submit and obtain approval of building plans which comply with the 2007 Fire Code and with the Fire Department conditions of approval listed below.
10. If there are any modifications to the sprinkler system, or the fire alarm system, a deferred submittal will be required, and submitted to the Fire Department for approval prior to any modification.
11. The building address shall be designed in accordance with the following criteria:

If the proposed buildings are located between 0-50 ft from the building to the face of the curb, the street address numbering shall be 6-inches in height with a 1-inch stroke. Suite identification numbers shall be a minimum of 6 inches high.

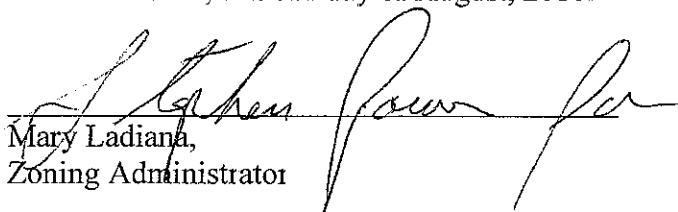
12. Provide one fire extinguisher for every 3,000 square feet and 75 feet of travel in any direction.
13. Provide a Knox Vault in accordance with Chula Vista Fire Department Guidelines.

Upon certification by the Development Services Department for occupancy or establishment of use allowed by this Conditional Use Permit, the following conditions shall apply:

14. Hours of operation shall be limited to Monday- Saturday from 9:00 am- 9:00 pm, and Sunday hours of operation shall be limited to 10:00 am-6:00 pm.
15. The maximum class size shall not exceed 15 persons.
16. The number of parking spaces available for exclusive use by the applicant shall not drop below the minimum code requirement of 7 spaces.
17. The business shall be operated in compliance with the Performance Standards, CVMC Chapters 19.66 and Performance Standards and Noise Control, Chapter 19.68.
18. This Conditional Use Permit authorizes only the use specified in the application for PCC-10-027. Any new use, modification or expansion of the use, or activities not authorized under this Conditional Use Permit, shall be subject to the review and approval of the Zoning Administrator.
19. Upon the receipt of an application for administrative substantial conformance review of this permit and the applicable fee, the Zoning Administrator will consider granting of minor modifications to this permit, such as hours of operation, class size, or addition of parking spaces, without notice or hearing.
20. This permit shall become void if not used or extended within three years of the effective date thereof in accordance with Section 19.14.260 of the Chula Vista Municipal Code. Failure to comply with the any conditions of approval shall cause this permit to be reviewed by the City for additional conditions or revocation.
21. This permit shall expire five years after the date of approval, unless the applicant has previously applied for, or the Zoning Administrator has previously granted an extension of this Conditional Use Permit. The Zoning Administrator shall review this conditional use permit for compliance with the conditions of approval and shall determine, in consultation with the applicant, whether the project needs to be modified from its original approval as part of the extension approval.

22. If any of the foregoing conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny, or further condition issuance of all future building permits, deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted, institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. The applicant or a successor in interest gains no vested rights by the City's approval of this Conditional Use Permit.
23. Applicant and his/her successors in interest agree to defend, indemnify and hold harmless the City and its agents, officers and employees, from any claim, action or proceeding against the City, or its agents, officers or employees, to attack, set aside, void or annul any approval by the City, including approval by its Planning Commission, City Council or any approval by its agents, officers, or employees with regard to this Conditional Use Permit, provided the City promptly notifies the Applicant of any claim, action or proceeding and on the further condition that the City fully cooperates in the defense.
24. Approval of this Project shall not waive compliance with all sections of Title 19 of the Municipal Code, and all other applicable City Ordinances in effect at the time of building permit issuance or the approval of this Conditional Use Permit.

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA,  
CALIFORNIA, this 3rd day of August, 2010.

  
Mary Ladiana,  
Zoning Administrator

cc Steve Power, Principal Planner  
Elizabeth Walters, 5116 Glen Verde Dr. Bonita, Ca. 91902  
Contel Project Development, Attn: Richard Saldano, 1662 N. Magnolia, El Cajon, Ca.  
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